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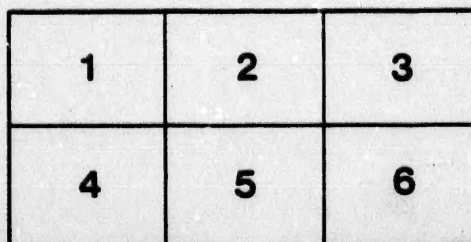
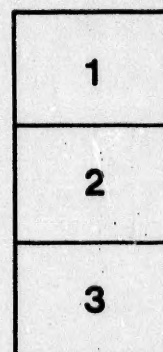
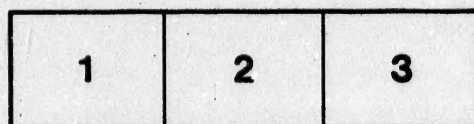
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CONTINUATION

OF THE

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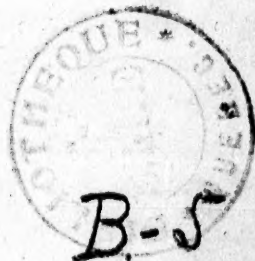
UPON

THE CONTEST BETWEEN THE EARL OF SELKIRK, AND
THE HUDSON'S BAY COMPANY, ON ONE SIDE ; AND
THE NORTH-WEST COMPANY ON THE OTHER.

Republished from the Montreal Herald.

WM. GRAY, PRINTER, MONTREAL.

1817.



COPIATION, &c.

For The Municipal Council

MR. GRAY.

W

W. H. N. I closed my last communication upon the subject of the very extraordinary and outrageous conduct of Fort McKim at Fort William in regard to the subject of law. I did not conceive it possible that he would add to the disgrace which his proceedings attached to his character as a magistrate and private. He has however, and to his former acts by one of a description of his views on principle and of his attitude in social life.

At the time he arrested Mr. McMillan and the other partners of the North-West Company, then at that place, he also arrested one Daniel McKenzie, a retired wintering partner of that association who was quite lively and stout and had a high reputation as a hunter and a good shot. He was also arrested by him, of having endeavored to catch the

CONTINUATION, &c.

For The Montreal Herald.

MR. GRAY,

WHEN I closed my last Communication upon the subject of the very extraordinary and outrageous conduct of Lord Selkirk at Fort William, in open defiance of law, I did not conceive it possible, that he would add to the disgrace which such proceedings attached to his character both magisterial and private. He has, however, outdone his former acts, by one of a description sordidly mean in principle, and of selfish turpitude in sentiment.

At the time he arrested Mr. McGillivray and the other partners of the North West Company, then at that place, he also arrested one Daniel McKenzie, a retired wintering partner of that association who was particularly obnoxious to his Lordship, from being accused by him, of having endeavored to excite the Indians

dians of Fond-du-Lac to attack his pretended colony, in addition to the other accusations falsely made, where in he was included. One would suppose, that an impartial magistrate, under such circumstances, could not avoid sending him, Daniel McKenzie, down for trial, if he sent the others; but quite the contrary took place; for public considerations are with his Lordship of no moment, unless he can warp or apply them to promote some personal or self-interested object.

Observing after the general arrest, that this Daniel McKenzie was a man of weak mind, who had abandoned himself to liquor, he instantly saw, that he might by a mixture of terror and intrigue, be worked upon, so as to be made favorable to his Lordship's views. Accordingly (after the other prisoners were sent off) he was detained, put into close confinement, furnished with the means of intemperance, and at his lucid intervals, plied by his Lordship's creatures, Matthey, D'orsennons, Doctor Allan, and Miles McDonell, who were sent to him in succession, to hold the same language; that the North West Company were completely ruined; that he, Daniel McKenzie, must infallibly lose all the property he had in that concern, or that was owing to him by the agents, unless he now did something to propitiate Lord Selkirk, who had the power of bringing him to an ignominious public trial for his life, or of releasing him therefrom, and saving his money, accordingly as he might now act towards his Lordship.

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It was also repeatedly hinted to him, that as a partner, he had the means of conciliating his Lordship, and securing himself, by selling to him the North West property at Fort William, or elsewhere; out of which he could first pay himself, and hand over the residue to those who might have a legal right to it. By dint of repetition, these doctrines gained ground with Daniel, who was now informed that the propositions must come from him to his Lordship.

This nefarious plot, so unworthy of a Peer, and a man being thus far in a hopeful train, a paper was dictated to him, to be written to his Lordship, as the initiatory step, and his confinement was now relaxed; but he was never lost sight of by one or other of the myrmidons employed on the occasion, and not suffered to converse with any of the North West Clerks. This paper is a most curious one, being worded as if it had been the composition of himself, and is full of repetition amended by Miles McDonell, and afterwards copied by Daniel.

Upon his Lordship's receipt of this production, the negotiation was developed, and papers upon papers sent to Daniel, or dictated to him, were copied, and amendments upon amendments to some of them made by Miles McDonell in his hand writing, and some even in that of his Lordship: happily some of these precious documents, so amended, were left with Daniel (which is a matter of astonishment) and furnish irrefragable proof of the base fraud that was in progress. Formal deeds were made out by his Lordship and

and copied by some of his people when they were sent to Daniel for signature, none of which (one excepted) he asserts he ever read, or at the time of his signature was in a state to comprehend : indeed his signatures compared with his former ones, furnish evident proof of this. By these papers or deeds, the merchandize and other property at Fort William (the buildings excepted,) were sold at specific prices, and the furs to be sent to England for sale, but the proceeds to go provisionally to his Lordship : An arbitration for settlement of conflicting claims, was also part of these fraudulent conventions for swindling the North West Company out of their property and trade—even moveable property at Fond du Lac, which did not belong to that Company, but happened to be in the management of one of the partners and clerks, was also conveyed to his Lordship, and the buildings at Fort William would likewise have been included, but that *these honest men* could not agree about the price, as his Lordship wanted them at a twentieth part of the cost. Had they been moveable, the price probably would not have been an insuperable objection with the Peer, as he had his own conditions, and his own time for the payment. The business being thus adjusted to his Lordship's mind, and to the saving of his tender conscience, Daniel was finally released, white-washed from alleged crime, and allowed to leave Fort William, to go where he pleased.

The papers on the face of them bear the mark of fraud, and show such a want of sound mind and freedom of action in one of the parties, as to destroy even
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the appearance of validity ; there is no reciprocity ; all are stipulations, where the one gives, and the other receives the whole benefit. It is true the *honest Daniel* (not *Nathaniel*) receives fifty guineas in hand, to nail the bargain, and his Lordship, as a further consideration, is to convey an estate of three thousand pounds a year, but whether in the moon, or else where is not said,

There is another *trifling difficulty* about the validity of these *honest men's doings*. Daniel had no power or right to transfer ; no not to sell to any other than a member of the Company, even his own interest in it as a retired partner. There is also a special clause in the articles of copartnership and agreement, respecting the *powers* of wintering partners, *which* are confined to the trade of their own department or post, with Indians, and all acts by them, of a general nature, are prohibited and made competent only to the acknowledged agents, who alone can make purchases or sales for the concern at large. His Lordship knew all this, for by the previous wholesale robbery at Fort William, he became possessed of all the books and papers of the Company, and amongst them one of the original copies of the said articles, which he had most dishonestly and dishonorably pryed into, and read: But were it otherwise, what man of common sense or honesty, would maintain the monstrous proposition, that a person holding a small interest with limited powers (or properly speaking, no powers, he having retired) in an extensive concern, where the copartners are numerous, could, by his separate act, transfer not only a portion of the general property, fifty fold beyond

yond his own share in it, but expressly intended to destroy such general concern, and its interests, in order to transfer the same to a rival, who had on the very face of the papers, bribed the vendor into the conventions.

A collusion of two parties to deeds to defraud other persons, who so far from being consulted, had a direct interest in opposition to the bare-faced fraud attempted to be imposed upon them, was never more clearly manifest; or more devoid of every attribute to constitute validity, than in the present case.

It is to me astonishing, how any man of sane mind, could think to impose upon others a belief, that such a wholesale swindle could be sustained, or have a particle of efficacy in covering or lessening the turpitude of the means, by which Lord Selkirk possessed himself of Fort William, and the property so attempted to be conveyed to him.

What would be thought in England of his Lordship, had he purchased there from a small proprietor or share holder in the Phoenix fire Office, or in any other unchartered company in that country, not only his own interest therein, but the whole property of the concern, to be transferred to him as a rival, in direct opposition to the constitution, of such concern, and to defraud the other proprietors? Would he dare to support the legality of such a purchase?

In numerous associations, none but directors, managers,

nagers, or agents, (it is immaterial what appellation they adopt) can do the business of such associations; and the Agents of the North West Company were, from its original formation, publicly known and recognized, as the only executive representatives of that concern.

His Lordship's turpitude does not even rest here. He sent Miles McDonell to request Daniel to write letters to one Roderick McKenzie, and to the partners and clerks of the North West Company in the interior, to advise them to carry the packs, which they may trade this winter, to Hudson's Bay next spring, (from whence they might find a passage to England) in order to indemnify themselves, as the North West Company, (says he) is totally ruined. Enquiring afterwards if such letters had been written, and finding not, his Lordship desired that their names might be given to Miles McDonell, who could write in Daniel's name. Daniel recommended to the Clerks, and even to wintering partners of that Company, by his Lordship's desire, to follow his orders, as the only way of ingratiating themselves with him, to save them from ruin.

Nay, to such a pitch of shameless and unprincipled audacity has his Lordship gone in these fraudulent proceedings, that Daniel was made to write to Cuthbert Grant, a half-breed at the Red River, (one of those, for the arrest of whom warrants signed by his Lordship had last spring been sent to Mr Semple, with directions to be executed only in case that they

would not come over to his Lordship's views) against whom Lord Selkirk was most indignant and vindictive, as having been with the escort or band who resisted the unprovoked attack made upon them last June, by Mr Semple and his people, when he, and many of them unhappily fell victims to their temerity and aggression.

His Lordship made Daniel leave an opening to this Cuthbert Grant for pardon and oblivion of all, if he would turn now and support his interests; adding by way of bait or salvo, that his Lordship was induced to this, from Grant having exerted himself, although ineffectually, to save Mr Semple's life.

Thus, it is seen, as I have on a former occasion observed, that his Lordship's *polar star* is *self-interest*, to which all *public considerations*, and the rights of others, are invariably sacrificed by him. No man who had not become callous, could possibly have used magisterial authority for the systematic purpose of destroying rivals, in order to engross their trade by himself and copartners. He probably presumes upon impunity, by reason of his rank and influence, but sadly indeed must Britons be changed, *if*, when the truth, and the above mentioned swindle are known by them, *that rank* be not considered an aggravation of his crimes.

Since the capture of Fort William, he sent a party to take the North West Post at Lake La Pluie, occupied by a clerk and a few men. The commander

of the expedition, Captain D'Orsennons, began as usual, by robbing the post of its powder and ammunition, placed there for Indian Trade, pretending it was done as a precaution to prevent injury to His Majesty's subjects ; and then compelled the clerk to deliver over to him, for his Lordship, all the goods and provisions, &c. under an inventory, assuring him upon his, *D'Orsennons's Honor*, (doubtless a very substantial security) that legal authority to take the property, and dispossess the clerk, was to follow. Here again the *Jeddard Code* is his rule. First do the act, and find an authority for so doing at leisure : the clerk and people were laid hold of, and sent away to Fort William, but the legal authority is to be found only in the will of this self-styled Sovereign Lord of Assiniboia.

He and his people are living upon the provisions and means found by him at Fort William, belonging to the North West Company ; which, if he possessed the common feelings of our nature, I should think would occasionally stick in his throat, as the fruits of dishonesty.

To add to his other feats, he has resisted a legal warrant served upon him and his officers in due form, which warrant was granted by a Justice of Peace for the Western District of Upper Canada, upon affidavits regularly made before him, he being a magistrate, under the like appointment, and with the same authority, by which his Lordship has issued his warrants at Fort William. This Magistrate has this

most essential superiority over his Lordship, that he had no interest whatever dependant upon the issue of the warrant so granted; whereas all his Lordship's warrants were issued *in his own cause*, and for his own benefit.

The above statements are substantially and literally correct, and supported upon testimony, which no artifice or quibble can overthrow. The only thing that can be said for Daniel McKenzie, in extenuation of his conduct, in so shameful a dereliction of moral and conventional duty, is; that the first opportunity he had as a freeman, after getting out of his Lordship's clutches, where he apprehended his life to be in danger, was to go voluntarily to the nearest magistrate, viz. at Drummond's Island, and before him to make oath to the circumstances under which he acted, and formally to protest against his own illegal part in the fraudulent transactions above narrated.

How base must be the tempter, when the tempted thus voluntarily abjures and recants his participation in so foul a business?

The last accounts left his Lordship and band occupied in making a road from Fort William towards the American frontier, probably in contemplation of endeavoring to remove in the spring the extensive plunder he has acquired.

MERCATOR.

Montreal, 5th Feb. 1817.

